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**A SEVENTEENTH CENTURY
SURGEON AND HIS FEE**

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A SEVENTEENTH CENTURY SURGEON AND HIS FEE.

BY THE HONORABLE WILLIAM RENWICK RIDDELL,
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Practically every word of the learned judge's charge, as given below, is to be found in the authorities—his law is exactly followed by Blackstone and Lord Kenyon, C.J., and his medicine may be found in two works in my possession:

1. *A Ternary of Paradoxes of the Magnetic Cure of Wounds, Nativity of Tartar in Wine, Image of God in Man*, Written originally by Joh. Bapt. Van Helmont and Translated, Illustrated and Ampliated by Walter Charleton, Doctor in Physick and Physician to the late King: London: 1650.

2. Pauli Barbette, *Opera Omnia Medica et Chirurgica*. . . . Cum Appendice Opera et studio Joh. Jac. Mangeti, Med. Doct., Geneva: 1683: (In Latin).

The Mr. Newton referred to was afterward knighted by Queen Anne and is the well known Sir Isaac Newton. He had in 1672, in a paper presented to the Royal Society, suggested that microscopes as well as telescopes should be made with concave mirrors.

Sir Thomas Street was a baron of the exchequer and a justice of the common bench at the time of Charles II; he was continued in office by James II, and remained a justice of the common bench till after the revolution in 1688. He was not reappointed by King William III, having been described to him as a "very ill man," though others say he was a "very honest man." His "Good Lord,

Good Devil," manner of dealing with matters of religion (which was a very live question in those days), praising Henry VIII and his services to the protestant faith, and also speaking respectfully of the change in creed by Digby—are in line with his course upon the bench. He was the only one of the twelve judges who gave an opinion against the power of the king to dispense with the oaths of allegiance and supremacy required by the Test Act upon appointment to office. The king, James II, had granted an office to Sir Edward Hales, a Roman Catholic, and therewith given a patent of dispensation relieving him from taking the oaths which a Roman Catholic could not conscientiously take. Eleven of the judges held that the king had this power, but Street dissented.

Very shortly after, it was taken for granted that he had assumed this position collusively, so as to give an air of impartiality to the opinions of the judges. And the fact that James without hesitation issued a *supersedeas* to any judge who displeased him, and thereby removed him from the bench, indicates that this view of Street's conduct was well founded. Certainly King William's advisers thought so.

It was not till 1851, in England (and 1852 in Upper Canada), that parties were allowed to give evidence in their own case.

CHARGE TO THE JURY IN RANDALL v. SIR
THOMAS POWIS, KNT., AT THE GUILD-
HALL, MAY 4, 1687, (3 JAC II).

By SIR THOMAS STREET, KNT., JUSTICE OF THE COMMON
BENCH:

Gentlemen of the Jury:

The plaintiff is a chirurgion and indeed a member of the company named "The Masters or Governors of the Mystery and Commonalty of the Barbers and Surgeons of London," a company duly founded and formed by Act of Parliament in the thirty-second year of the reign of that pillar of the Protestant faith, the late High and Mighty Prince, Henry the Eighth, King of this realm. The defendant as ye have heard, is a Knight of good

estate and family, and the action is concerning certain moneys which the plaintiff demandeth for his professional services rendered unto the defendant.

That ye may the better comprehend what it is ye have to try, I shall recount to you the various facts as they have been made to appear by the witnesses.

The defendant, interceding betwixt two brothers of the sword, received a dangerous wound through the arm: by the violent pain whereof and other grievous accidents concomitant, he was suddenly dejected into extreme debility and danger. In this forlorn plight, he employed a surgeon who treated him in a manner recommended by his art and mystery with topical applications of which I shall speake to you again. The wound did not improve, and the defendant, despairing to find ease or benefit by the fruitless continuance of this chirurgery, and fearing the speedy invasion of a gangraene, consulted the plaintiff. This new surgeon enjoined the immediate remove of all emplasters and other topical applications—and he washed the wound carefully from time to time with fair clean water, covered it with a clean soft, linen cloth, and cleansed it once a day from pus and other impurities.

The wound hath gotten well and the surgeon sues the Knight for his reward.

Now were the plaintiff a physician he could not maintain an action for his fees which are given not as *locatio vel conductio* but as *quiddam honorarium*, not as salary or hire, but as a mere gratuity which a physician cannot demand without doing wrong to his reputation.

But surgeons are of an inferior degree amongst the professors of the healing art and like the *medici* of ancient Rome to whom they correspond, they may demand their fees as of right, while the fees of the physicians are by the laws of England but honorary—which is indeed more for the credit and rank of this honourable body.

But the defendant saith that he should not be forced to pay fees to a man who not only did him no benefit, but who did not even proceed *secundum artem*.

And I must tell you that a surgeon can recover his fees only if he proceed in accordance with the practice of his mystery and art. This man, the defendant saith, did naught and should be paid naught—the plaintiff contendeth that he treated the Knight with judgement and skill and that he hath healed him. That the wound is healed none can gainsay—but did the Chirurgeon treat the defendant properly?

Many learned surgeons have been called and they have given their opinions, backed up by the writings of masters of undoubted gravity and authority.

We are told by the defendant's witnesses that there are but two methods of treating wounds which have received

the approval of the Faculty—one whereof is that wherein medicaments are applied to the wound in topical treatment, and the other is the use of a sympathetical powder or of an *unguentum armarium sympatheticum*.

In the first, we are told that medicamenta necessary to the cure of wounds are of three kinds: 1, digestive or pus-exciting; 2, sarcotic or flesh-forming, and, 3, epulotic or scar-inducing. Experience hath taught us that a wound may be cured very well by a sarcotic alone or more frequently by a digestive alone. But in truth, better and more certain results are to be looked for where the two are used together, although in fleshy parts digestives applied with soft plegets may well be employed without other medicaments.

The sages in the art (amongst them the revered Walter Charleton, Doctor in Physic and Physician to the late King, His Majesty, Charles the First, of Pious memory, him who was so cruelly and wickedly martyred by the enemies of God and of all true men) tell us that immediately upon the solution of unity in any part, the ambient Aer, of its own primigenious constitution intensely cold, and by accident also repleted with the various evaporations or aporrhoeas of mixt bodies, especially such as are then suffering the act of putrefaction violently invadeth the part; and thereupon impresseth an exotic miasm or noxious Diathesis; which disposing the blood successively arriving at the wound to putrefaction by the intervention of fermentation caused by some gradual acidity (for proved it may be that the *υπαίον δεικνόν* of corruption must be *acidum extraneum* succeeding upon a desertion of vital heat) introduced, maketh the same wholly unfit for the nutrition and destructive to the incarnation or reunion of the sides of the orifice. Against this hostile acidum, Nature instantly ariseth in arms, sendeth a large supply of arterial blood and doubleth both the strength and number of her pulses insomuch that most times the overcharged part suffereth an increase of pain and intumescence from the distention of its vessels, membrane and intermuscular capacities; but finding herself too weak to expel so subile and potent an enemy, encamped within her borders, though she cannot preserve the blood from submission to the tyranny of this putrefaction acidity in some degree and so not transmute it into a laudable cement to soder up the disunion; yet she so far hindreth (especially in green wounds) the dilatation of corruption that she subdues the revolted blood into the form of a white purulent effluxion, which is therefore to be accounted an infallible signal that Nature is not yet exirare but holds out bravely and if relieved in time, will be an happy conqueress.

This purulent effluxion the Faculty call laudable pus and

they use every effort to bring it forth—and many times indeed it is sufficient to cure the wound if the surgeon hath the skill or good fortune to excite a sufficient quantity of this laudable pus which some therefore call healthy and benign pus. So the eminent surgeon who first treated the defendant, tells you that he applied a digestive. But he was not content to rely upon the pus-exciting medicament alone; but applied a more celebrated vulnerary balsam which stands approved by Paulus Barbette, an acknowledged master of the art of surgery—and this balsam was composed of many ingredients, turpentine, gum galbani, gum elemi and hederæ, frankincense, gumm mastich, myrrh, aloes, galingal, cloves, cinnamon, nutmeg and cubebs. And this ointment was both digestive, cicotie and epulotie—for the turpentine, gum elemi, frankincense and mastich are digestive, the gum galbani, gum elemi, myrrh, aloes, cloves and nutmeg are cicotie, and aloes, myrrh and mastich are also epulotie.

He gave him moreover to drink of herbs boiled in red wine with sugar of the whitest kind thereto added.

Yet notwithstanding the application of this vulnerary unguent topically and upon the very wound, and notwithstanding the abundant dressing applied bandage over bandage and notwithstanding that the patient drank gallons of red wine each day, the wound did not heal. The pus came in large quantities, but it passed from the laudable stage and became malignant, even threatening that Nature would be overcome. It seemed as though the Knight was doomed to die—and had he in very truth then died, none would be bold enough to say that he had been treated in aught but the most approved manner and strictly *secundum artem*. The defendant himself saith so much, for he hath paid the surgeon all that he demanded, even though in his hands and under his treatment he was like to die.

Then (as I have already said) despairing to find cure or benefit by the fruitless continuance of this chirurgery and fearing the speedy invasion of a gangraene, he sought out the plaintiff and placed himself in his hands, expecting to be treated by the second approved method of which I have already spoken.

This is commonly by the use of a sympathetic vulnerary powder, and it hath much esteem among many. It was indeed introduced into England by the late Sir Kenelm Digby, who though malignants call him the very Pliny of his age for lying, was Knighted by that glorious King, James the First, grandfather of his present Most Gracious Majesty—and he nobly and gallantly fought for his country against the French and Venetians, the Dutch and Spanish. Many, indeed, revile him because he became a Roman

Catholic, but let none say that against him in reproach when he remembers the creed of our present most High and Mighty Prince, King James the Second.

Whether Digby can rightly lay claim to the original discovery or no may well be doubted; but in any case he it was who made this marvellous powder so well known.

It is of Roman vitriol powdered and dried in the sun; and is not applied to the wound at all. The surgeon procureth a garter or bandage cruentate wherewith the hurt was first bound up, and sprinkleth with the powder the blood upon the garter or bandage—and the patient thereupon feelth an intolerable shooting and penetrative torment; but this soon vanisheth—thenceforward all former evil symptoms depart, the part recovers its pristine lively colour and manifest incarnation and consolidation ensue. This is by reason of the sympathy maintained betwixt the blood extravenated and that yet conserved in the veins and of the Sovereign balsamic faculty of the vitriol—and by a fresh dressing of the garter from time to time, the sanation will proceed with such admirable success that within few days, there will remain only a handsome cicatrice to witness there was once a wound.

A kind of modification of this treatment is better known in foreign lands, but yet is recognized in England by many of the wisest of the faculty. That is by use of a sympathetic vulnerary ointment. The unguent is made in various ways but the best approved is of these ingredients. Take two ounces of usnea which is the fungous and mossy growth upon the skull of a criminal who hath been left hanging; half an ounce of mummy, real mummy which hath been brought from Egypt, two ounces of human fat, half an ounce of human blood, two drachms of linseed oil, and an ounce of bole which is a fine compact unctuous reddish clay from far Armenia, a natural astringent and styptic. But sometimes the fat of bulls or wild boars, powdered earthworms and the like are used.

And the healing virtue of this also depends on the sympathy between the extravenated blood and that remaining within the veins, for the ointment is applied to the bloody weapon or a piece of wood or the like dipped in the wound.

We are told that the dead criminal or animal dies full of secret reluctance and vindictive murmurs and with a high flame of revengeful feeling. This continueth after his death, and the posthumous character of revenge remaineth firmly impressed upon the blood and fat in the unguent. The moment the blood or weapon or splinter cometh in contact with this most malignant substance, it is roused to active excitement, and so obtaineth full power to cure its fellow blood left behind in the wounded man; and this it doth by sucking out the dolorous and exotic

impression from the wound. And that is in truth the most consistent with all we know concerning natural and magnetic sympathies; and in very sooth it is exceeding simple like unto many other great truths.

Neither this unguent nor the powder is applied to the wound, but is allowed to have its perfect work apart. The weapon or splinter or garter is laid away in a cool place and the wound is carefully washed with fair clean water, covered with a clean, soft, linen cloth, and cleansed once a day from pus and other impurities.

Now the plaintiff did naught save wash and tend the wound; he used no sympathetic powder or sympathetic unguent—and he giveth his reason. He doth not indeed, give evidence in his own person before you, but ye need not to marvel thereat. For the law of England, the perfection of human wisdom and the glory of all, doth not permit a party to a suit himself to give evidence, lest he should perjure his own soul. Vain babblers there be who gainsay the wisdom of this law, but we may not heed those who would remove the ancient landmarks. The plaintiff, yet, may and doth set forth his suit by witnesses whom he hath called before you. He saith through his witnesses that there is no influential operation of magnetical remedies but that the consolidation of wounds is the sole and entire work of nature performed by the proper balsam of the blood flowing to the part wounded, and that therefore those who employ sympathetic unguent or powder are grossly ascribing the whole arm of the energy to that unconcerned principle which indeed hath not so much as a finger in the business.

He saith that the pus which all others admire and desire as showing that Nature hath armed herself for the fight is not to be desired, but that it is itself an impurity which should be avoided—that it hindreth the cure and contendeth against the *vis medicatrix naturae*. He hath even in his mind some crotchet that pus is engendered by some small animal or plant, some bug or gnat or beetle or fungus belike, though he saith openly that he cannot prove the existence of such creatures. This however he contendeth is because his glasses do not magnify sufficiently to enable him to see them. And he meaneth not the glasses or spectacles for weak or aged eyes; but the microscope which hath a rare and admirable faculty of making small things appear large. But in sooth he were not able to see these imagined bugs were he to use even the compound microscope with concave mirror suggested to the Royal Society by Mr. Newton, the Lucasian Professor of Cambridge. It might be well for the plaintiff to take heed lest he be condemned by Holy Church, for we are told in the Scriptures that God created grass and the herb and the fruit tree, the moving creature and fowl to

fly above the earth in the open firmament of heaven, great whales and every living thing that moveth which the waters brought forth abundantly, cattle and beast of the earth and everything that creepeth upon the earth—but nowhere are we told of such a bug or gnat or fungus as this man hath dreamed. He saith forsooth that the true treatment is to keep all extraneous matter away from the wound and even the air which he imagineth to be full of his bugs and gnats and beetles.

He doth not understand or seemeth not to understand, that the real and sole impediment to the redintegration of the unity of any part infringed by external violence is the exotic acidity coming from the aer and impressed upon the sides of the wound, and that the only way of assistance to nature in this exigence is the destruction or extinction of that alien impression, the factor of putrefaction, by the specific counter violence of some superior antagonist.

I conceive that there cannot be doubt that the vitriol hath a very just title to the prerogative of being lifted into the inventory of Astral natures; and that when the powder thereof is applied to the blood effused out of a wound, the balsamical faculty of it is not confined to a mere topical operation, but being conducted by the efflux or aporrhoea of the blood which undoubtedly by a congenerous magnetism holdeth a certain sympathy with that function from whence it was derived in a stream of substituted atoms, extendeth to the individual wound and there operateth to the deletion or extirpation of the acid impression against which it carrieth a seminal antipathy. We cannot dispute the great aphorism of Hermes Trismegistus, *Naturae sunt medicatrices*. We allow her to be the prime and proxime causatrix of all sanation; and all medicaments no more than auxiliary or adjuvant by the modification of excessive preternatural qualities and remove of impediments; but Nature is not always able to play the part of Chiron to herself, but owes much of the honour of her safety and conquest to the assistant power and amicable coefferency of the vitriol. The same should be understood of the magnetical manner of operation proper to the sympathetic unguent—for indeed sympathetic medicaments are allied unto celestial influences and may transmit their spiritual energy unto determinate patients at vast and indeterminate distances. We know that the contagion of the small pox and plague is frequently started from one brother or sister to another at a distance of many hundred leagues by invisible emissions or pestilential atoms without all excuse of intelligence or mutual commerce by intervenient messengers, as also of fear and imagination, so immensely long is the arm of sym-

pathy. We know how a Tagliacotian nose,¹ enfeoffed with a community of vitality and vegetation by right of transplantation upon the face of a gentleman at Bruxels, hath grown cadaverous and dropt off at the instant of that porter's death at Bononia out of whose arm it was first exected. And how carefully good housewives avoid the boiling over of their milk lest the atoms thereof subtiliated by the intense heat of fire should be attracted by the cow's udder (for the source or fountain of every effusion acteth a magnetical part and draweth to itself the subdivisions of that same effusion situate within the orb of its alliciency) and so an inflammation be caused by the opposition of the atoms of fire concomitant. And indeed he shall find out of a book of great authority the true magnetical cure of most diseases as of the Dropsie, Gout, Jaundies, &c. by including the warm blood of the patient in the shell and white of an egg which exposed to a gentle heat and mixt with a bait of flesh ye shall give together with the blood to a hungry dog or swine and the disease shall instantly pass from you into the dog and utterly leave you; no otherwise than the leprosie of Naaman did by the exsecration of the Prophet transmigrate into Gehazi. Nay is there not even now in France an Abbé who cureth fever of all kinds by sympathy? For he taketh but the patient's spittle and mingleth it with an egg and so giveth it unto a dog and the dog dieth and the patient is made whole.

And do we not all know that a woman weaning her child, to the end that her breasts may the sooner dry up, strokes her milk into a fire of glowing coals and thereupon her paps suddenly become flacid and the fountain of her milk is stopped.

Hath anyone with his excrements deiled the threshold of thy door and thou intendest to prohibit that nastiness for the future, do but lay a red-hot iron upon the excrement and the immodest sloven shall in a very short space grow scabby in his buttocks; the fire torrifying the excrement and by dorsal magnetism driving the acrimony of the burning into his impudent anus.

So it is vain if not wicked of the plaintiff to deny the operation of sympathetic powder or unguent—and he is wrong in being puffed up in his own conceit and setting himself above those who are older and wiser than himself.

Yet he saveth that his method of cure is one which is well-known in the profession, though that is denied by other surgeons.

¹Tagliacotian nose: An operation performed by the Bolognese surgeon, Tagliacozzi (1546-1599), who used a flap taken from the arm, but not entirely severing it until union had taken place, to form a new nose.

Riddell: A Seventeenth Century Fee.

That is the question ye are to try—and if ye find that his mode of cure is acknowledged in his profession, ye will give him your verdict; and if otherwise, not.

And it is naught that the Knight hath been cured. It may be that the powerful medicaments applied by his first attendant but succeeded in making their power felt after the plaintiff was consulted.

Ye may indeed think that if the plaintiff is right in his contention that it was but the unassisted *vis medicatrix naturae* which effected the cure, all the credit for the cure should be given to Dame Nature herself and the plaintiff deserveth none—having no credit, neither should he be given cash.

(Verdict for the defendant.)